

Application No.: 10/719,371

8 Docket No.: 28212/1200285-US1/NC34963US

REMARKS

Claims 1-27 are now pending in this Application. The second Non-Final Office Action (OA) dated July 25, 2005 has rejected Claims 1-27. Applicants have amended independent Claims 1, 5, 11, 14, and 21 as described below. Applicants have also amended dependent Claims 25 and 26 to correct antecedent basis. Applicants submit that the pending claims are patentable for the reasons discussed in detail below.

The 35 U.S.C. §102 rejection of Claims 1-8, 10-16, 18-23, and 25-27:

Section 4 of the OA rejected Claims 1-8, 10-16, 18-23, and 25-27 under 35 U.S.C. §102(e) as being anticipated by Chen et al (U.S. Patent Application Publication No. 2003/0053464, hereinafter referred to as Chen). Chen is directed to "a method of sending data packets through a Multiple Protocol Label Switching MPLS network comprising assigning to each packet a quality of service (QoS) class flag, and routing each packet through the MPLS network dependent on the QoS class flag assigned." (Chen, pg. 1, para. 8.) The OA cites portions of Chen as disclosing the limitation of independent Claim 21, and indicates that the other independent Claims 1, 5, 11, and 14 contain limitations that are substantially similar to Claim 21. Applicants respectfully disagree that Chen discloses or suggests all of the elements of Claim 21.

For example, the OA cites portions of Chen as disclosing the limitation of defining a network policy that is configured to define the Diffserv treatment of aggregated traffic. The OA does not identify any particular language from Chen. Instead, the OA simply cites paragraph numbers. Applicants find that the cited portions refer only to policies specific to MPLS and not related to a network policy to define Diffserv treatment of aggregated traffic. For instance, the OA citations include paragraph 47 of Chen, which states "[a]s regards the use of Explicitly Routed Path, in some scenarios, the network operators/administrators desire to forward certain classes of traffic along pre-specified paths to support policy routing, or traffic engineering." As specified in paragraph 46 of Chen, "MPLS allows both Hop by Hop Path and Explicitly Routed Path to be supported." Thus, the policy routing in the cited portion is not related to Diffserv as required in applicants' Claim 21. Similarly, the other portions cited in the OA relate to MPLS policies and not

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to a network policy to define Diffserv treatment of aggregated traffic. Applicants find no portion of Chen that discloses or suggests an equivalent to a network policy that is configured to define the Diffserv treatment of aggregated traffic. Accordingly, Chen does not disclose all of the limitations of applicants' independent claims.

Also, with regard to independent Claim 5 and dependent Claims 15, 16, 22, and 23, Chen does not disclose or suggest generating device neutral information associated with a mapping policy and/or customer policy. The OA indicates that dependent Claims 15, 16, 22, and 23 are substantially similar to Claims 7 and 8 and are therefore rejected under the same basis. However, Claims 7 and 8 do not refer to device neutral information. Moreover, the portions of Chen cited against Claims 7 and 8 do not disclose or suggest device neutral information. Applicants do not find any reference to device neutral information in Chen. Thus, Chen does not disclose all of the limitations of independent Claim 5 and dependent Claims 15, 16, 22, and 23.

Despite the distinctions above, applicants have amended independent Claims 1, 5, 11, 14, and 21 to clarify that an interface of a policy target is assigned a role name that is associated with the customer policy. Support is found throughout the specification, including at page 7, lines 5-8 and page 13, lines 11-21. Chen does not disclose or suggest a role name or an association with a policy target interface.

For the reasons above, the rejection of independent Claims 1, 5, 11, 14, and 21 under 35 U.S.C. §102(e) should be withdrawn. Also, it is well established that dependent claims are considered to include all of the elements of the independent claims from which the dependent claims depend. Thus, dependent claims are patentable for at least the same reasons as their corresponding independent claims. Accordingly, the rejection of dependent Claims 2-4, 6-10, 12, 13, 15-20, and 22-27 should also be withdrawn.

The 35 U.S.C. §103 rejection of Claims 9, 17, and 24:

Section 6 of the OA rejected Claims 9, 17, and 24 under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Goguen et al (U.S. Patent No. 6,665,273, hereinafter referred to

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as Goguen). Goguen is directed to a MPLS system that determines actual traffic flow within a traffic engineering (TE) tunnel and dynamically adjust bandwidth to reflect the actual traffic flow. (See Giniger, abstract). Goguen does not disclose or suggest the limitations that are missing from Chen as discussed above with regard to the independent claims. Thus, applicants respectfully disagree that Chen and Goguen disclose or suggests all of the elements of the amended independent claims. Accordingly, the rejection of dependent Claims 9, 17, and 24 under 35 U.S.C. §103(a) should be withdrawn.

In view of the above amendments and remarks, applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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